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FROM: Mark M. Newman
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Re: Applicant Curtis L. TAYLOR
Serial No: 08/954,291
File: October 20, 1997
For: OXYGEN-FUEL BURNER WITH INTEGRAL STAGED OXYGEN SUPPLY

Examiner Price:

Per your telephone request, attached are copies of the correspondence sent October 25, 2001 and March 20, 2002

Mark M. Newman
Registration No. 31,472

Response once received: Please deliver immediately.

CLIENT# 3053
MATTER# 28781

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Date	Oct. 10	# of pages	4
To	Mark Newman		
From	Curtis Taylor		
Co./Dept.	Co. Maxon Corp.		
Phone #	Phone # 765-284-3304		
Fax #	Fax # 202-289-1330		

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Curtis L. TAYLOR

Art Unit: 3743

Serial No: 08/954,291

Examiner: Carl D. Price

Filed: October 17, 1997
(U.S.P.T.O. Record October 20, 1997)

Docket No. 3053-28781

For: OXYGEN-FUEL BURNER WITH INTEGRAL STAGED OXYGEN SUPPLY

SUPPLEMENTAL DECLARATION BY INVENTOR

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Assistant Commissioner
for Patents
Washington, D.C. 20231

Sir:

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I, Curtis L. Taylor, declare that I am a citizen of the United States of America; that I verily believe myself to be the original and first inventor of the invention described and claimed in U.S. Letters Patent No. 5,458,483 (hereinafter '483 PATENT) and in the foregoing specification and for which invention I solicit a reissue patent; that I do not know and do not believe that said invention was ever known or used in the United States of America before my invention thereof; that I disclosed and claimed in the '483 PATENT a burner assembly (See e.g., claim 1 in the '483 PATENT) comprising "a burner block . . . bypass means . . . an oxygen-supply housing including chamber means for receiving a supply of oxygen and a base wall . . . the base wall being formed to include first aperture means . . . and second aperture means . . . and means for discharging fuel into the flame chamber formed in the burner block, the discharging means including a nozzle extending through the chamber means and the first aperture means formed in the base wall to discharge fuel into the flame chamber"; that during

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Attorney Docket No: 3053-28781

the preparation and prosecution of the application that led to the '483 PATENT I believed that the claim covered structure illustrated in Figs. 2, 3A, 3B, 4, 5, 7, and 8 in the '483 PATENT; that subsequent to the issuance of the '483 PATENT I became aware of a potential infringement of the claims of the '483 PATENT; that in January 1997, in connection with reviewing that potential infringement, my attorneys reviewed the claims of this '483 PATENT; in July 1997, my attorneys carefully reviewed the specification and claims of the '483 PATENT and realized that it was not necessary to include claim limitations covering the nozzle and the "means plus function" language to define a patentable invention in claims for a burner assembly; that I have unsuccessfully sought to obtain the potentially infringing device; that I have considered the results of the evaluation of the specification and claims by my attorneys; and that accordingly, I now verily believe the '483 PATENT to be wholly or partly inoperative or invalid by reason of my claiming less than I had a right to claim in the '483 PATENT.

I request that I be permitted to amend the '483 PATENT and be granted a reissue patent; that errors rendering the '483 PATENT wholly or partly inoperative or invalid caused the claims of such patent to be of more narrow scope than necessary to distinguish over the prior art; that such errors arose because I and my patent attorneys did not appreciate the overly narrow character of the claims at the time I made the invention and prepared and prosecuted the application that matured into the '483 PATENT; and that such errors arose through error and without any deceptive intent.

Specifically, I claimed less than I had a right to claim in the '483 PATENT by claiming claims 1-28 and 34-39 covering burner assemblies comprising "bypass means" "chamber means", "first aperture means", "second aperture means", and "discharging means"; claims 40-53 covering burner assemblies comprising a burner block, a nozzle,

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Attorney Docket No.: 3053-28781

"fixing means", supplying means", first-stage metering means", bypass means", and second-stage metering means." I seek to add new claims 113, 114, and 116-122.

Newly presented independent claim 113 which differs from patent claim 37 at least by the addition of the "annular lip defining a cylindrical nozzle aperture receiving the nozzle and the removable collar."

I also seek to amend the specification at Col. 5 line 55; Col. 8 line 8; Col. 9 line 43; and Col. 9 line 54, to make changes that correspond to the language set out in the new claims and to correct typographical errors. No new matter is believed to be added by virtue of the amendments to the specification.

I also seek to correct the References Cited on the face of the '483 PATENT by adding in the U.S. Patent Documents --4,351,632 9/1982 Nagai-- and by adding --Foreign Patent Documents 2,048,456 12/1980 United Kingdom; 143,307 11/1980 Japan; and 340,006 4/1981 Japan--. The references were cited during prosecution of the '483 PATENT, (see the PTO-1449 in Attachment A) but were not listed on the face of the '483 PATENT.

I acknowledge my duty to disclose information of which I am aware which is material to patentability as defined in Title 37, Code of Federal Regulations §1.56; and I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application for reissue or any patent issuing thereon. All errors being corrected in the reissue application up to the filing of the supplemental declaration arose without deceptive intention on the part of the applicant.

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Attorney Docket No.: 3053-28781

I hereby appoint William R. Coffey, Reg. No. 24023; Jerry E. Hyland, Reg. No. 20904; Richard D. Conard, Reg. No. 27321; Steven R. Latamert, Reg. No. 27653; Richard A. Rezek, Reg. No. 30796; Timothy E. Niednagel, Reg. No. 33266; John P. Breen, Reg. No. 38833; Jill L. Waring, Reg. No. 39874; Nancy J. Harrison, Reg. No. 27083; R. Trevor Carter, Reg. No. 40549; Perry Palan, Reg. No. 26213; Mark M. Newman, Reg. No. 31472; Bobby B. Gillenwater, Reg. No. 31105; Paul B. Hunt, Reg. No. 37154; Michael S. Gzybowski, Reg. No. 32816; and Robert D. Null, Reg. No. 40746, my attorneys, with full power of substitution and revocation, to prosecute this application, and to transact all business in the Patent and Trademark Office connected therewith; and I specify that communications regarding this application to reissue be directed to:

Richard A. Rezek
BARNES & THORNBURG
1313 Merchants Bank Building
11 S. Meridian Street
Indianapolis, Indiana 46204

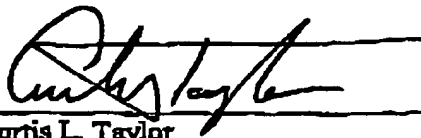
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All errors being corrected in the Reissue Application up to the time of filing of the Oath or Declaration under paragraph (a) 37 C.F.R. §1.175, as well as the errors now being corrected, arose without any deceptive intention on the part of the Applicant.

10/9/03
Date


Curtis L. Taylor
5201 W. Tamarac Drive
Muncie, Indiana 47304

DC:appm